IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 13003 of 2004

Between:

Dr.B.R.Ambedkar youth welfare Association Shanthinagar, North Lalaguda, Secunderabad.rep.by its president M.R.Srinivas Rao, R/o.H.No.12-1-761, Shanthinagar, North Lalaguda, Secunderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, rep.by its Commissioner, Tank Bund, Hyderabad.
2 The Director of Urban Community Development, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3 The Collector, Hyderabad Dist, Nampally, Hyderabad.
4 Ghulam Mohinuddin, S/o.Gulam Ghousuddin, R/o.H.No.12-1-898, Shanthinagar, North Lalaguda, Secunderabad.
5 M/s.Neela Builders, rep.by its Managing Director M.Rajasekhar Reddy, 12 SR Complex Habsiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, directing the official respondents herein not to entertain any application or grant any permission in favour of the 4th and 5th respondents for construction of Multi storied complex in premises bearing H.No.12-1-781 to 786 situated at shanthinagar, North Lalaguda, Secunderabad which is a part and parcel of the land Acquired by the Government under A.P. Slum Improvement (Acquisition of Land) Act, 1956 and consequently prevent the 4th and 5th respondents from making any construction over the above said land.

Counsel for the Petitioner: MR.GOVATHOTI BHASKAR RAO

Counsel for Respondents 1to3:G.P for Municipal Administration
& Urban Development.

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration & Urban Development for respondents 1 to 3. Both have no objection for disposal of the writ petition at the admission stage.

The petitioner association, which was registered with an object to extend help to the poor houseless and needy persons filed the present writ petition seeking a direction to the official respondents not to grant any permission in favour of the fourth and fifth respondents for construction of Multi Storied Complex in premises bearing H.No.12-1-781 to 786 part and parcel of the land Acquired by the Government under A.P. Slum Improvement (Acquisition of Land) Act, 1956 (for short 'the Act').

Learned counsel for the petitioner-association contends that a public notice was issued in the Telugu Andhra Jyothi Daily Newspaper on 17-7-2004 on behalf of the fourth respondent, who is alienating the property in favour of the fifth respondent, calling for objections with regard to purchase of land in premises bearing H.No.12-1-781 to 786. In fact the said land was acquired for the purpose of Slum Improvement for providing house-sites to the poor persons who are members of the petitioner-association.

But the fourth and fifth respondents are making all efforts to obtain the requisite permission from the respondents in order to construct a Multi Storied Complex. In view of the same, the official respondents should be directed not to entertain any application or not to grant any permission in favour of fourth and fifth respondents over the property, which was going to be purchased by the fifth respondent.

Even as per the petitioner's own averments, in 1992 Government acquired an extent of 30,000 square yards of land in various survey numbers of Shanthinagar, North Lalaguda, Secunderabad. Questioning the same, one Mr. Mahesh Chand, who succeeded the property after the death of his father Prof. Kishan Chand, filed W.P.No.24613 of 1996 before this Hon'ble Court and the said writ petition was disposed of on 17-11-1997 with the following observation.

> " The respondents have acquired 30,000 Sq. Yards out of the total extent of land under Section 4(3) of the A.P. Slum Improvement (Acquisition of Land) Act, 1956. In respect of balance of the land, the respondents are directed not to interfere with the possession of the petitioner except in accordance with law."

In effect 6000 Sq. Yards is not form part of acquisition under the Act. Even assuming that the public notice issued by the fourth respondent is forms part of the property only to an extent of 581 Sq. Yards, whether it forms in the 6000 Sq. Yards or in the 30000 Sq. Yards has to be verified by the municipal officials before granting permission. In view of the same, I see no grounds to issue mandamus directing the Municipal Corporation not to grant any permission in favour of the fourth and fifth respondents.

Accordingly, the Writ Petition is dismissed at the admission

stage.

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A. Gopal Reddy, J.

21st September, 2004.
Js.

ASSISTANT REGISTRAR

To
1 Municipal Corporation of Hyderabad, rep.by its Commissioner, Tank Bund, Hyderabad.
2 The Director of Urban Community Development, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3 The Collector, Hyderabad Dist, Nampally, Hyderabad.
4 2 CCs to G.P. for Municipal Administration & Urban Development.
5 2 CD copies.